

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In Re:

LOUIS PERALES and
CYNTHIA PERALES,

Debtor(s)

Case No. 1:19-bk-02618

Chapter 13

Honorable Timothy A. Barnes

NOTICE OF MOTION

To: *service list affixed*

PLEASE TAKE NOTICE that on **April 29, 2021**, at **1:30 pm**, I will appear before the Honorable Timothy A. Barnes, or any Judge sitting in that Judge's place, and present **DEBTORS' MOTION TO MODIFY PLAN**, a copy of which is attached.

This Motion will be presented and heard electronically using Zoom for Government. No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

To appear by video, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and password.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and password.

Meeting ID and password. The meeting ID for this hearing is 161 329 5276 and the password is 433658. The meeting ID and password can also be found on the judge's page on the court's website.

If you object to this Motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the Motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the Motion in advance without hearing.

**LOUIS PERALES and
CYNTHIA PERALES**

By: /s/ Jennifer Ann Filipiak

Jennifer Ann Filipiak
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CERTIFICATE OF SERVICE

I, Jennifer Ann Filipiak, certify that I served a copy of this notice and the attached motion on each entity shown on the attached list at the address shown and by the method indicated on the list on March 25, 2021, before the hour of 5:00 p.m.

/s/ Jennifer Ann Filipiak

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In Re:

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Honorable Timothy A. Barnes

MOTION TO MODIFY PLAN

NOW COME, LOUIS PERALES and CYNTHIA PERALES (the "Debtors"), through undersigned counsel, pursuant to 11 U.S.C. § 1329, requesting entry of an order modifying plan.

In support thereof, Debtor states as follows:

1. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. § 1334 and this is a "core proceeding" under 28 U.S.C. § 157(b)(2).

2. On January 31, 2019, the Debtors filed a voluntary petition for relief under Chapter 13, Title 11, United States Code (the "Bankruptcy Code").

3. Debtors' Modified Chapter 13 Plan, dated May 7, 2019, was confirmed on May 9, 2019 (the "Confirmed Plan").

4. The Confirmed Plan provides:

2.1 Debtor(s) will make regular payments to the trustee as follows:

\$1593 per Month for 1 months

\$1735.28 per Month for 1 months

\$1762.62 per Month for 58 months

3.3 Secured claims excluded from 11 U.S.C. § 506.

Check one.

☐ **None.** If "None" is checked, the rest of § 3.3 need not be completed or reproduced.
☒ The claims listed below were either:

(1) incurred within 910 days before the petition date and secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or

(2) incurred within 1 year of the petition date and secured by a purchase money security interest in any other thing of value.

These claims will be paid in full under the plan with interest at the rate stated below. These payments will be disbursed either by the trustee or directly by the debtor(s), as specified below. Unless otherwise ordered by the court, the claim amount stated on a proof of claim filed before the filing deadline under Bankruptcy Rule 3002(c) controls over any contrary amount listed below. In the absence of a contrary timely filed proof of claim, the amounts stated below are controlling. The final column includes only payments disbursed by the trustee rather than by the debtor(s).

Name of Creditor	Collateral	Amount of claim	Interest rate	Monthly plan payment	Estimated total payments by trustee
Consumer Portfolio Svc	2017 Hyundai Tucson Value Sport Utility 4D 25,000 miles Value according to www.kbb.com, Private Party Value (Good Condition)	\$19,884.44	7.50%	\$618.53	\$22,423.57

Disbursed by:

☒ Trustee
☐ Debtor(s)

5. On July 1, 2020, a Motion to Authorize Allstate Insurance Company to Release Insurance Proceeds was filed at Docket number 39.

6. On August 6, 2020, an Order Granting Motion to Authorize was entered at Docket number 41 ("the Authorization Order").

7. The Authorization Order authorized Allstate Insurance company to release \$10,997.80 in insurance proceeds to Consumer Portfolio Services to satisfy Debtors' loan on the 2017 Hyundai Tucson.

8. The last payment that the Chapter 13 Trustee made to Consumer Portfolio Services was on April 17, 2020.

9. Since the vehicle has been paid off, Debtors propose lowering the monthly trustee payment by \$618.53 (the monthly plan payment amount reserved for the vehicle), from \$1,762.62 per month to \$1,144.09 for the remainder of the Chapter 13 Plan.

7. Modifying the Confirmed Plan will not prejudice the general unsecured creditors, as they will continue to be paid in full as provided for in the Confirmed Plan.

WHEREFORE, Debtor respectfully requests the following:

- A. an Order modifying the Confirmed Plan to pay the Trustee \$1,144.09 monthly for the remaining plan term; and
- B. such other relief as the Court deems just and proper.

DATED: March 25, 2021

Respectfully submitted,

**LUIS PERALES and
CYNTHIA PERALES**

By: /s/ Jennifer Ann Filipiak

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